

CHAPTER 2 RESPONSIBILITIES

2-1. Introduction.

- a. This chapter describes the responsibilities and functional roles of the USACE organizations and potential stakeholders in the RCWM response process.
- b. OE response actions at RCWM sites will be performed in accordance with ER 1110-1-8153. The USACE is responsible for the overall project management and on-site management for RCWM projects. Execution of all phases of a RCWM project within the USACE is the responsibility of the USAESCH OE Design Center. ER 1110-1-8153 provides responsibility matrices delineating organizational responsibilities throughout the process.
- c. Throughout this document, district review and approval responsibilities for project activities are discussed. These responsibilities have been delegated by the Major Subordinate Command (MSC) to the assigned district within their geographic area.
- d. Districts requiring additional information beyond that discussed in this document should contact the OE MCX.

2-2. Organizational Responsibilities.

- a. MSC Commanders are assigned overall responsibility for the safe and efficient execution of all RCWM response actions for all projects for which they are the Project Manager (PM) in accordance with ER 5-1-11.
- b. The responsibilities for Headquarters, United States Army Corps of Engineers (HQUSACE) for planning and executing a RCWM response action are discussed in ER 1110-1-8153 and EP 1110-1-18.
- c. The responsibilities detailed herein are FUDS specific. For projects under the management of an active or transferring installation, the installation may want to retain some degree of management control. In such cases, the PM will hire the appropriate OE Design Center to provide USACE assistance in a manner that is transparent to the customer, but the PM will remain the interface with the installation.
- d. It is the responsibility of all USACE personnel involved with the RCWM program to safely execute RCWM response actions in accordance with applicable laws, regulations, and policies. All USACE organizations will ensure that all personnel involved with on-site activities are familiar with and

have access to copies of the approved Safety Submission prepared for the site-specific activities to be conducted. In addition, each organization will ensure that such personnel have received appropriate training, medical surveillance, and personal protective equipment required by the safety plan, contract specifications, Occupational Safety and Health Administration (OSHA) Standards, USACE regulations, and applicable DOD and Department of the Army (DA) regulations.

e. All USACE elements will ensure that RCWM response actions include provisions for meaningful stakeholder involvement pursuant to all applicable laws, regulations, and policies.

2-3. Functional Roles. The following section provides a general description of key functional roles in the RCWM response process. The functional roles for non-USACE agencies has been extracted from their respective guidance documents.

a. USACE.

(1) HQ, Safety and Occupational Health Office (CESO). CESO has responsibilities that include safety and occupational health and other supporting issues related to the proper implementation and execution of the OE program activities under USACE management (such as DERP, BRAC, range clearance, etc.). Corps of Engineers Safety Office (CESO) is the HQUSACE Point of Contact (POC) for the OE safety and occupational health program and will:

(a) Oversee the safety and occupational health program and policy issues within the USACE OE Program.

(b) Coordinate the OE safety and occupational health program and health policy issues with higher headquarters and DOD elements.

(c) Approve OE Explosives Safety Submissions (ESS) and selected RCWM Safety Submissions and forward them to higher headquarters.

(d) Review, approve, and disseminate safety and occupational health technical guidance developed by the OE MCX or others.

(e) CESO will conduct the pre-operational survey, when delegated this responsibility by the Headquarters Department of the Army (HQDA) Safety Office.

(2) PM. The PM is located at the district executing the RCWM response project. The PM leads the RCWM project team, coordinates all project activities, serves as a liaison with other stakeholders, and reviews/approves project documents as required.

(3) District.

(a) As delegated by the MSC, the district will assign a PM to lead the RCWM project team, coordinate all project activities, serve as a liaison with other stakeholders, and review/approve project documents as required. The PM will manage RCWM response projects in accordance with ER 5-1-11.

(b) The MSC may assign support functions to the district during a RCWM response action. The district may perform these functions or further delegate them to USAESCH. Examples of these responsibilities include:

- Provide site construction support.
- Provide site security.
- Acquire rights-of-entry (ROE).
- Provide medical support and training.
- Establish and maintain the Administrative Record.
- Prepare the Public Evacuation or Shelter-in-Place Plan, as necessary.
- Prepare the Memorandum of Agreement with local support agencies.

(4) USAESCH OE Design Center.

(a) USAESCH OE Design Center POC. The USAESCH OE Design Center POC is the central figure responsible for coordination of the USAESCH OE Design Center functions for the RCWM response action, and acts as the liaison between the USAESCH OE Design Center and the PM. Further information on the responsibilities of the USAESCH OE Design Center POC is presented in ER 1110-1-8153.

(b) Engineering. The USAESCH OE Design Center provides multi-discipline engineering support to the RCWM project team. Engineering support during RCWM response projects may include, but is not limited to, the following:

- Engineering design of structures, facilities, and excavations.
- Blast effects analysis.

- Surveying.
- Geographic information systems.
- Geophysical investigations.
- Soil sampling and analysis.
- Systems safety.
- Risk assessment.
- Permitting.
- Planning.
- Preparation of technical Statements of Work (SOWs).
- Cost estimating and contract negotiation support.
- Review of work plans and Safety Submissions.
- Coordination of technical issues.
- Other efforts requiring engineering and technical expertise contained within the USAESCH OE Design Center.

(c) The USAESCH OE Design Center will perform all contracting actions for RCWM sites.

Responsibilities include:

- Assure all RCWM-related Request for Proposals (RFP), Commerce Business Daily Announcements (CBD), new contracts, SOWs, and delivery orders have been reviewed by an OE Safety Specialist prior to issuing/awarding.
- Assure an interdisciplinary structured proposal evaluation team, which includes an OE Safety Specialist for all RCWM-related contracts.
- Assure current Data Item Descriptions (DIDs) are used in all RCWM-related contracts. Current DIDs are available on the OE MCX website at <http://www.usace.army.mil/oew>.

- Plan, direct, coordinate, and accomplish actions required to select, negotiate, award, administer, modify, and terminate contracts for RCWM projects.
- Appoint a Contracting Officer's Representative (COR) when applicable. The Contracting Officer (CO) is the only person with the authority to enter into, administer, or terminate contracts. The CO and the officially designated COR may bind the government only to the extent of the authority delegated to them. Regardless of the exigencies of the site, the CO/COR are the only individuals who can "direct" a contractor to perform work, and then only within the limits of delegated authority.

(5) USAESCH OE Safety Manager. The USAESCH OE Safety Manager is located within the USAESCH OE Directorate. Responsibilities of the OE Safety Manager include:

(a) Review Site Safety and Health Plans (SSHP).

(b) Ensure RCWM response activities occur in accordance with OSHA guidance; Engineer Manual (EM) 385-1-1, U.S. Army Corps of Engineers Safety and Health Requirements Manual; and ER 385-1-95, Safety and Health Requirements for Ordnance and Explosives Actions.

(c) Ensure compliance with applicable safety regulations.

(d) Review and approve abbreviated SSHPs (ASSHP).

(e) Review Work Plans for RCWM response projects prior to field activities.

(6) OE Safety Specialist. The OE Safety Specialist for RCWM response actions is located within the USAESCH OE Directorate. Responsibilities of the OE Safety Specialist include:

(a) Provide on-site safety and health support for RCWM activities.

(b) Review the Archives Search Report (ASR), delivery orders, SOW, Work Plan, and Safety Submission.

(c) Verify UXO qualifications of contractor employees.

(d) Verify training and physical exam records.

(e) Advise the contractor on RCWM procedures.

(f) Coordinate exclusion zone activities with on-site agencies.

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- (g) Facilitate military Explosive Ordnance Disposal (EOD) response, when needed.
 - (h) Provide technical safety support to USACE districts and contractors.
 - (i) Conduct government quality assurance (QA) inspections of completed work.
 - (j) Assist the district/installation in preparation of Chemical Event Report on-site, when necessary.
- (7) OE MCX. In addition to the responsibilities presented in ER 1110-1-8153, the OE MCX will:
- (a) Review federal, DOD, and DA regulations related to OE and RCWM and propose implementation guidance to HQUSACE to ensure USACE compliance.
 - (b) Review and approve RCWM and RCWM-related products in accordance with ER 1110-1-8153.
 - (c) Provide technical support throughout USACE.
 - (d) Review and evaluate RCWM detection and removal technology.
 - (e) Develop RCWM-specific contract requirements and maintain current contract DIDs.
 - (f) Assist HQUSACE in identifying RCWM program training requirements.
- (8) Construction. The district Construction Division may oversee field activities outside of the exclusion zone; administers construction contracts; provides administration support; and may be assigned as the COR on a case-by-case basis.
- (9) Office of Counsel (OC). The district OC renders legal assistance to the RCWM project team. The OC provides legal interpretation and advice on applicability of environmental statutes and regulatory requirements, contract acquisition and claim issues, including review for legal sufficiency of all associated settlement agreements and environmental restoration decision documents. Due to the nature of RCWM response projects, the OC should be consulted on all matters involving questions of regulatory or statutory authority or requirements. The OC supporting the OE MCX is available to the RCWM project team for consultation.
- (10) Real Estate. The district Real Estate Division performs real estate functions to support a RCWM response action, such as obtaining rights-of-entry, reviewing deed restrictions, and preparing real property transfer documents.

(11) Public Affairs. The district Public Affairs Office (PAO) provides for planning, developing, and managing public involvement and media relations for RCWM response projects. PAO personnel will coordinate with the OE Safety Specialist prior to discussing any specific RCWM-related matters. The district PAO should contact the USAESCH OE Design Center POC and PAO to coordinate the RCWM technical content prior to release.

(12) Hazardous, Toxic and Radioactive Waste (HTRW) CX. When there are mixed contaminants (HTRW, RCWM) on the project site, refer to ER 385-1-92.

b. Assistant Secretary of the Army (Installation and Environment) (ASA (I&E)). The ASA (I&E) is responsible for establishing overall Army environmental, safety and occupational health statutory compliance. These responsibilities are carried out through the Deputy Assistant Secretary of the Army (Environment, Safety and Occupational Health).

c. Director of Army Safety, Office of the Chief of Staff, U.S. Army. The Director of Army Safety, Office of the Chief of Staff administers and directs the Army Safety program as specified in Army Regulation (AR) 385-10, Army Safety Program. Responsibilities include:

(1) Establish safety policy and standards for the Army chemical safety program for investigation of chemical defense research, development, testing and evaluation events.

(2) Coordinate and approve safety waivers and exemptions to personnel safety policies.

(3) Approve Safety Submissions for RCWM activities.

(4) Conduct pre-operational surveys for RCWM activities.

d. US Army Technical Center for Explosives Safety (USATCES). Responsible for reviewing for DA Safety RCWM Safety Submissions and forwarding to Department of Defense Explosives Safety Board (DDESB) for approval or concurrence as appropriate. USATCES is also the agent for DA Safety for executing the DA Pre-Operational Survey Exercise required by DA Pam 385-61, Toxic Chemical Agent Safety Program, for RCWM project sites.

e. Department of Defense Explosives Safety Board (DDESB). Responsible for approving or concurring with RCWM Safety Submissions, as appropriate.

f. Army Operations Center (AOC). Responsibilities of the AOC include:

(1) Receive notification of RCWM discoveries and events.

(2) Notify Army staff elements of RCWM discoveries and events.

(3) Coordinate emergency response to RCWM discoveries and events.

g. Program Manager for Chemical Demilitarization (PMCD). The US Army PMCD is responsible for the transportation and final disposition of RCWM recovered during a RCWM response action.

h. Program Manager for Non-Stockpile Chemical Materiel (PMNSCM). Within the PMCD, the PMNSCM has the following responsibilities:

(1) Provide centralized management and direction to the DOD for treatment and disposal of non-stockpile chemical materiel in a safe, environmentally sound and cost-effective manner.

(2) Transport, treat and dispose of RCWM (including preparation of necessary documentation for transportation and storage site selection).

(3) Assure RCWM is transported off-site in accordance with the Transportation Plan, as published by PMNSCM.

(4) In coordination with USAESCH, prepare transportation, Interim Holding Facility (IHF), and disposal plans for the Safety Submission and provide coordination of all plans with the U.S. Department of Health and Human Services (DHHS). PMNSCM will contract with TEU to perform the majority of the activities required by these plans. USAESCH will be responsible for some of the requirements of these plans such as site security and site preparation for the IHF.

i. US Army Soldiers Biological and Chemical Command (SBCCOM).

(1) Surgeon. The SBCCOM Surgeon acts as a consultant to the USAESCH on RCWM projects. Regulations require medical support requirements be reviewed by the Major Command (MACOM) surgeon and because USACE has no medical assets, the SBCCOM Surgeon is consulted. Liaison with the surgeon is through the USAESCH Safety Office.

(2) Edgewood Chemical and Biological Center (ECBC). Responsibilities of the ECBC on a RCWM site include:

(a) Conduct air monitoring for chemical agent as tasked by USAESCH.

(b) Conduct agent and agent degradation product analyses as tasked by USAESCH.

(c) Sample unknowns that are suspect RCWM, as necessary (e.g., utilizing a glove box).

(d) May support USACE to maintain any filter units for vapor containment as tasked by USAESCH.

(e) Prepare the monitoring and analysis portion of the Safety Submission. The USAESCH contractor is required to summarize the ECBC plans in the Work Plan and/or SSHP.

(3) Technical Escort Unit (TEU). Responsibilities of the TEU on a RCWM site include:

(a) Conduct on-site assessment of RCWM recovered during the response action in accordance with AR 50-6, Chemical Surety.

(b) Perform on-site air monitoring utilizing the Miniature Chemical Agent Monitoring System (MINICAMS), if required during an emergency response or requested by the customer during response actions.

(c) Conduct other on-site activities as tasked by USAESCH (e.g., D2PC modeling, emergency response, anomaly excavation).

(d) Package and transport recovered RCWM as tasked by PMNSCM.

(e) Conduct emergency destruction of RCWM munitions on-site as necessary.

(f) Additional information is provided in 1 April 1997 Memorandum of Agreement between the 52nd Ordnance Group (EOD) and USAESCH.

j. Department of the Army Chemical Agent Safety Council (DACASC). Responsibilities include:

(1) Serve as an open forum to evaluate, discuss, and coordinate chemical agent safety and health issues at the HQDA level.

(2) Research and develop chemical agent safety policy recommendations for the Director of Army Safety (DASAF) and chemical agent safety issues as requested by Army leadership.

(3) Assess the safety and health of the chemical agent stockpile and disposal (stockpile and non-stockpile) programs.

(4) Evaluate and recommend Army approval of alternate chemical protective equipment and clothing, chemical agent monitoring equipment, and requirements and procedures for chemical agent decontamination and disposal.

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k. Chemical Agent Safety and Health Policy Actions Committee (CASHPAC). Responsibilities include, but are not limited to:

(1) Serve as a technical working group responsible for resolving chemical agent safety and health issues for the executive director for Chemical Agent Safety and for the Army Materiel Command (AMC) Safety Office.

(2) Recommend approval to HQDA, Army Safety Office of the personal protective equipment (PPE) matrix including a description of level A and B suits and air purifying respirators used in a chemical agent environment.

l. Materiel Assessment Review Board (MARB). The MARB was established under the authority and direction of the Deputy Chief of Staff for Chemical and Biological Matters, AMC. The board is chaired by the Commander, TEU with membership selected from the explosives ordnance community, the chemical weapons research and development community, PMNSCM, and a historian from SBCCOM. USAESCH has two non-voting members on the MARB. Responsibilities of the MARB on a RCWM site include:

(1) Evaluate recovered munitions suspected of containing lethal chemical agent using all available documentation, pictures, x-rays, drawings, physical data, Portable Isotopic Neutron Spectroscopy (PINS) data and expertise of each member of the MARB.

(2) Provide recommendations on the disposition of such munitions through a record of determination and decision for each munition. This record of determination and decision is forwarded to the Commander of the concerned installation or district from the SBCCOM Commander. If a consensus regarding disposition of a munition is not achievable, the MARB will determine the need for further information and delay action until such information is available.

m. Office of the Surgeon General (OSG). The OSG, through the U.S. Army Center for Health Promotion and Preventive Medicine (USACHPPM), has the following responsibilities:

(1) Provide policy on the health aspects of pollution resulting from Army activities and operations.

(2) Provide guidance, including educational materials on environmental health aspects, recommendations to mitigate or control adverse impacts and to protect individuals from hazardous exposure, and health risk assessments for environmental restoration.

(3) Develop toxicological profiles concerning military-unique chemicals and unregulated hazardous substances (i.e., those not specified in 10 USC 2704a).

- (4) Establish environmental standards for chemical agents and weapons demilitarization.
 - (5) Develop and prepare chemical exposure and drinking water criteria for environmental contaminants (in particular, military-unique compounds) for ASA(I&E) promulgation.
 - (6) Conduct toxicity studies and develop health advisories and standards, criteria, and protocols for chemical exposure and drinking water.
 - (7) Approve health risk assessments.
 - (8) Establish public health criteria and standards for Army use.
 - (9) Recommend standards for the safe storage, use, discharge and ultimate disposal of hazardous materials and, in the absence of environmental and public health effects criteria, develop, compile and evaluate environmental toxicology data.
 - (10) Monitor the public health and environmental aspects of the Army's waste management programs.
 - (11) Advise USACE on the health aspects of managing hazardous and solid waste.
- n. US Department of Health and Human Services (DHHS). The DHHS is required by Public Law 91-441 to provide concurrence for plans related to the transport or disposal of lethal chemical warfare agent(s). Therefore, once the Safety Submission is approved by Department of the Army, Office of the Chief of Staff (DACS-SF) it will be forwarded to DHHS by PMNSCM.

2-4. Other Stakeholders' Roles. Stakeholders will actively participate in the RCWM response process. Stakeholders typically include: private landowners; federal land managers; Indian Tribal Governments; Restoration Advisory Boards; and federal, state, and local regulators. A description of the roles of these stakeholders is presented in EP 1110-1-18. Additional information on stakeholder involvement is provided in EP 1110-3-8, Public Participation in the Defense Environmental Restoration Program for FUDS.